

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Bocchicchio Property Rezone from A-1(Agriculture) to R-1AAAA (Single-Family Dwelling)

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord

CONTACT: Austin Watkins

EXT: 7440

MOTION/RECOMMENDATION:

1. Approve the request and enact an ordinance to rezone 2.48 ± acres, located on the north side of Gabriella Lane, approximately 2,600 feet west of the intersection of Tuskawilla Road and Gabriella Lane, from A-1 (Agriculture) to R-1AAAA (Single-Family Dwelling) and authorize the Chairman to execute the rezone ordinance, based on staff findings (Ronald Morris, applicant); or
2. Deny the request to rezone 2.48 ± acres, located on the north side of Gabriella Lane, approximately 2,600 feet west of the intersection of Tuskawilla Road and Gabriella Lane, from A-1 (Agriculture) to R-1AAAA and authorize the Chairman to execute the Denial Development Order (Single-Family Dwelling), (Ronald Morris, applicant); or
3. Continue the item to a time and date certain.

District 3 Dick Van Der Weide

Austin Watkins

BACKGROUND:

The applicant is requesting a rezone from A-1 (Agriculture) to R-1AAAA (Single-Family Dwelling) on approximately 2.48 ± acres, located on the north side of Gabriella Lane, approximately 2,600 feet west of the intersection of Tuskawilla Road and Gabriella Lane. The R-1AAAA (Single-family Dwelling) district requires a minimum lot size of 21,780 square feet and a minimum width at the building line of 100 feet. The Future Land Use designation of the subject property is Low Density Residential (LDR) which allows the requested zoning district.

The Seminole County Land Development Code (LDC) requires the application of the Weighted Method for Determining Single-family Residential Compatibility in the Low Density Residential Future Land Use designation. Staff conducted the lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development Code, and determined that the analysis supports the requested R-1AAAA zoning classification.

PLANNING AND ZONING COMMISSION/LPA RECOMMENDATION:

The Planning and Zoning Commission met on November 5, 2008 and voted 4-1 to recommend approval of the request to rezone 2.48 ± acres from A-1 (Agriculture) to R-1AAAA (Single-Family Dwelling), located on the north side of Gabriella Lane, approximately 2,600 feet west of the intersection of Tuskawilla Road and Gabriella Lane.

STAFF RECOMMENDATION:

Staff recommends that the Board Approve the request to rezone 2.48 ± acres, located on the north side of Gabriella Lane, approximately 2,600 feet west of the intersection of Tuskawilla Road and Gabriella Lane, from A-1 (Agriculture) to R-1AAAA (Single-Family Dwelling).

ATTACHMENTS:

1. Staff Analysis
2. Location Map
3. Zoning and Future Land Use Map
4. Aerial Map
5. Minutes
6. Rezone Ordinance
7. Denial Development Order (applicable only if denied)
8. School Impact Analysis
9. Ownership Disclosure Form
10. Property Owner's Petition

Additionally Reviewed By:

☒ County Attorney Review (Kathleen Furey-Tran)

Bocchicchio Property Rezone from A-1 to R-1AAAA		
APPLICANT	Ronald Morris	
PROPERTY OWNER	John M Bocchicchio	
REQUEST	Rezone from A-1 (Agriculture) to R-1AAAA (Single-Family Dwelling)	
PROPERTY SIZE	2.48 ± acres	
HEARING DATE (S)	P&Z: November 5, 2008	BCC: January 13, 2009
PARCEL ID	25-21-30-300-028D-0000	
LOCATION	Located on the north side of Gabriella Lane, approximately 2,600 feet west of the intersection of Tuskawilla Road and Gabriella Lane	
FUTURE LAND USE	Low Density Residential (LDR)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2008-39	
COMMISSION DISTRICT	#1 – Dallari	

ANALYSIS OVERVIEW:

The following tables depict the minimum regulations for the current zoning districts of A-1 (Agriculture) and the requested district of R-1AAAA (Single-Family Dwelling):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1AAAA)
Minimum Lot Size	43,560 square feet	21,780 square feet
Minimum House Size	N/A	1,600 square feet
Minimum Width at Building Line	150 feet	100 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	30 feet	10 feet
Side Street Setback	50 feet	25 feet
Rear Yard Setback	10 feet	30 feet
Maximum Building Height	35 feet	35 feet

COMPATIBILITY WITH SURROUNDING PROPERTIES

The surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1, R-1AA, R-1AAA, and R-1AAAA zoning classification. The proposed zoning district requires a minimum lot size of 21,780 square feet and a minimum width at the building line of 100 feet. The predominate zoning classification in the area is the R-1AAA zoning district.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are not endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency Review at this time. The applicant will be required to undergo Concurrency Review prior to final engineering approval.

Utilities:

The site is located in the Southeast Seminole County water and sanitary sewer utility service area, and will be required to connect to public water utilities. At the time of subdivision approval, it will be determined if the project will be required to connect to sanitary sewer. There is an 8-inch water main on the west side of Talman News Court with a stub-out to the west, and an 8-inch gravity sewer manhole on Gabriella Lane, approximately 400 feet east of Moat Lane.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin and does not have limited downstream capacity. However, there does not seem to be a defined drainage discharge from the site. The site may have to be designed to hold the 25-year, 24-hour storm event onsite unless positive legal discharge can be provided.

Transportation / Traffic:

The property proposes access onto Gabriella Lane, which is classified as a local road. Gabriella Lane does not have improvements programmed in the County 5-year Capital Improvement Program.

School Impacts:

The Seminole County Public School District has prepared an analysis, which is included as an attachment to this report.

Parks, Recreation and Open Space:

The applicant is required to provide 25% of the site in open space per Section 30.1344 of the Seminole County Land Development Code.

Buffers and Sidewalks:

The proposed development is adjacent to both residential and agricultural zoning districts; therefore, no exterior buffers are required. There is no sidewalk along Gabriella Lane. A 5-foot wide sidewalk may be required, and will be determined at time of subdivision.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

Policy FLU 2.9: Compatibility in the Low Density Residential Future Land Use Designation.
Policy FLU 16.4: Relationship of Land Use to Zoning Classifications
Policy FLU 16.5: Evaluation Criteria of Property Rights Assertions
Policy POT 4.5: Extension of Service to New Development
Policy SAN 4.4: Extension of Service to New Development

INTERGOVERNMENTAL NOTIFICATION:

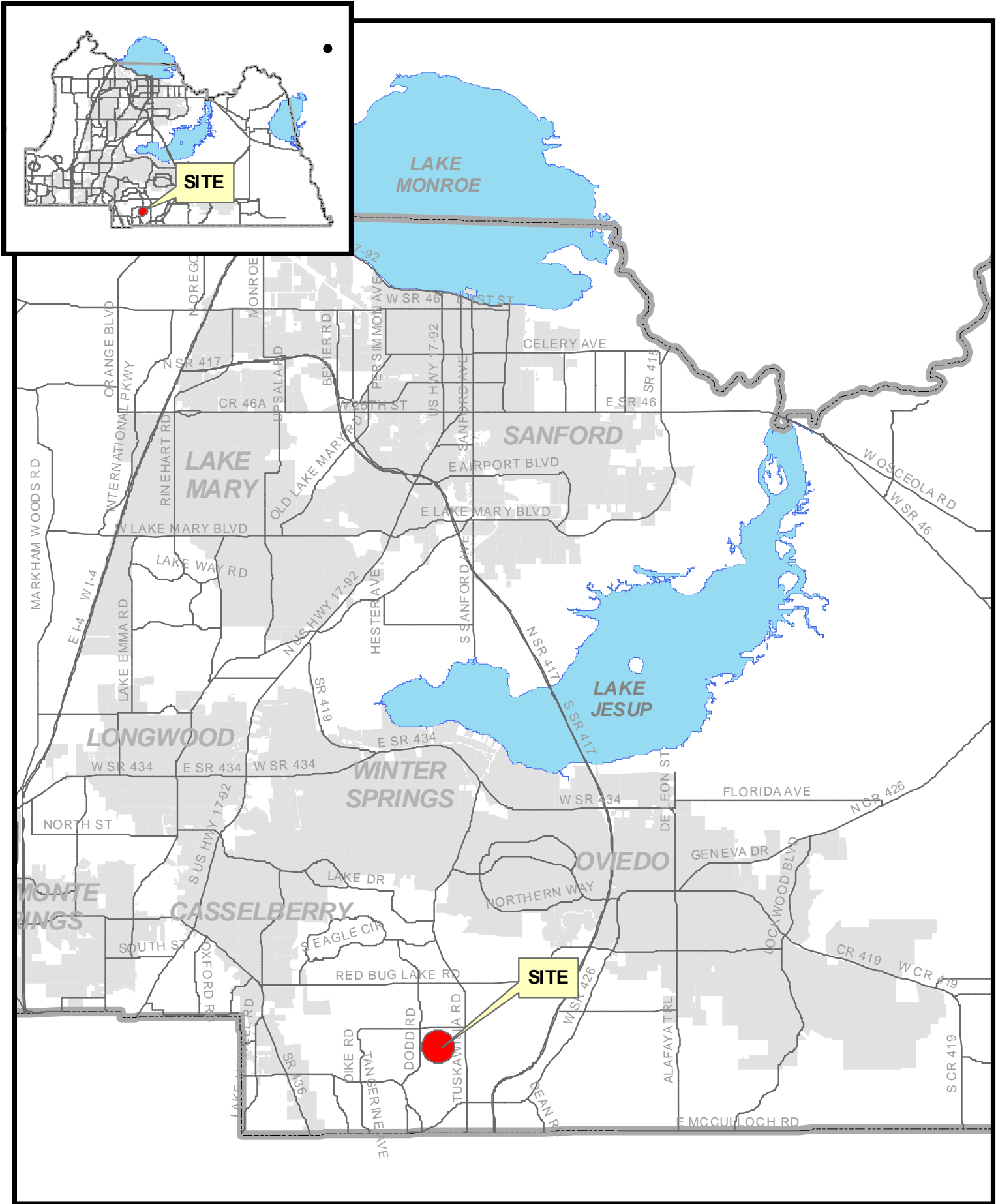
No intergovernmental notices were required for this project.

LETTERS OF SUPPORT OR OPPOSITION:

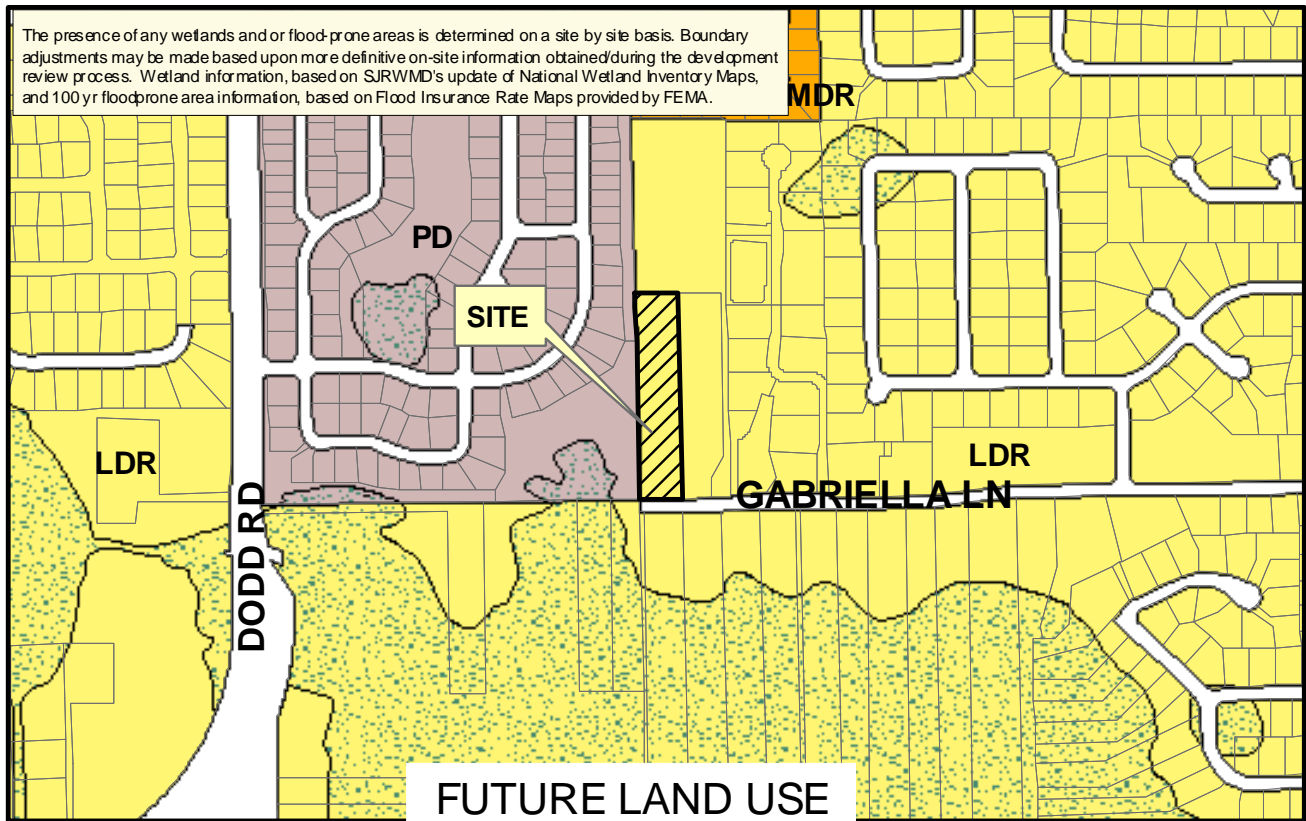
A petition in opposition was received on November 5, 2008 and is attached.

STAFF RECOMMENDATION:

Staff recommends that the Board Approve the request to rezone 2.48 ± acres, located on the north side of Gabriella Lane, approximately 2,600 feet west of the intersection of Tuskawilla Road and Gabriella Lane, from A-1 (Agriculture) to R-1AAAA (Single-Family Dwelling).



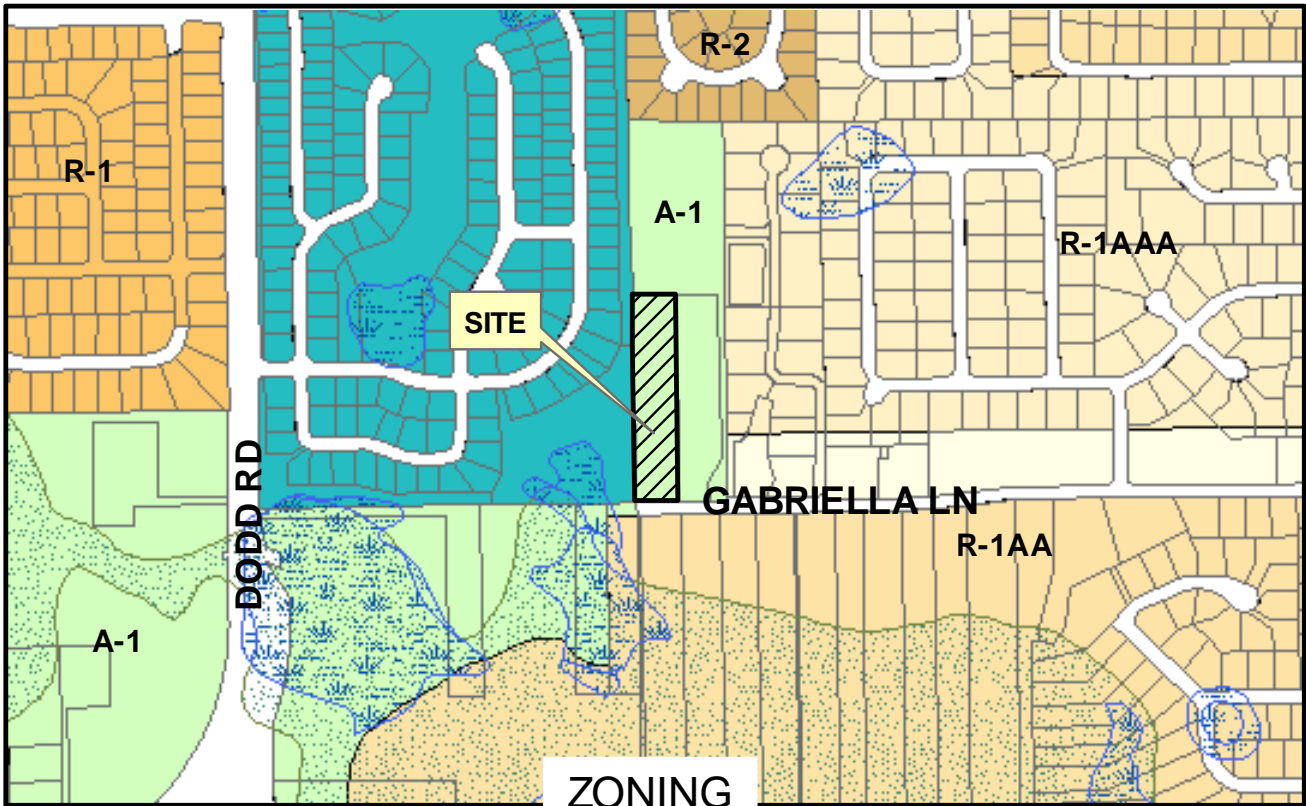
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr flood-prone area information, based on Flood Insurance Rate Maps provided by FEMA.



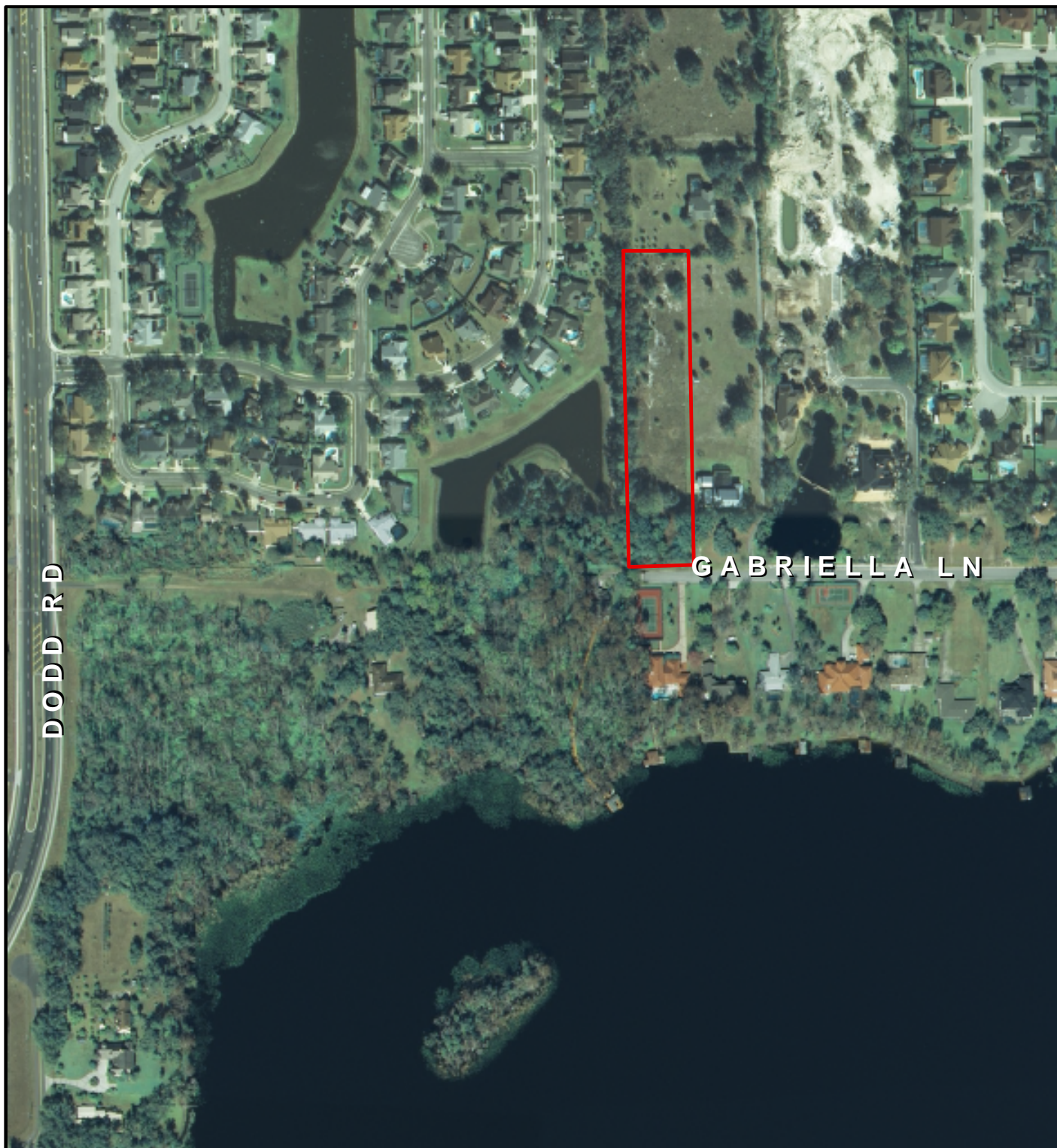
LDR
 PD
 MDR
 Site
 CONS
 Municipality

Applicant: Ronald Morris
 Physical STR: 252130300028D0000
 Gross Acres: 2.48+/- BCC District: 1
 Existing Use: Vacant -Agriculture
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2008-039	A-1	R-1AAAA



R-1
 PUD
 A-1
 R-1AA
 R-1AAA
 R-2
 FP-1
 W-1



DODD RD

GABRIELLA LN

Rezone No: Z2008-039
From: A-1 To: R-1AAAA

☐ Parcel
☒ Subject Property



Winter 2006 Color Aerials

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
NOVEMBER 5, 2008**

Members present: Matthew Brown, Walt Eismann, Kim Day, Rob Wolf, and Melanie Chase.

Members absent: Ben Tucker and Dudley Bates

Also present: Alison Stettner, Planning Manager; Tina Williamson, Assistant Planning Manager; Ian Sikonia, Senior Planner, Austin Watkins, Senior Planner, Alan Willis, Planner, Development Review Division, Anthony Nelson, Senior Engineer, Development Review Division, Melissa Clarke, Assistant County Attorney and Connie R. DeVasto, Clerk to the Commission.

C. Bocchicchio Property Rezone; Ronald Morris, applicant; 2.48 ± acres; Rezone from A-1 (Agriculture) to R-1AAAA (Single-Family Dwelling District); located on the north side of Gabriella Lane, approximately ½ mile west of the intersection of Tuskawilla Road and Gabriella Lane (Z2008-39)

Commissioner Dallari – District 1
Austin Watkins, Senior Planner

Austin Watkins, Senior Planner with the Planning Division, presented this item and stated that the applicant is requesting to rezone from A-1 (Agriculture) to R-1AAAA (Single-Family Dwelling) on approximately 2.48 ± acres, located on the north side of Gabriella Lane, approximately 2,600 feet west of the intersection of Tuskawilla Road and Gabriella Lane. The R-1AAAA district requires a minimum lot size of 21,780 square feet and a minimum width at the building line of 100 feet. The Future land Use designation of the subject property is Low Density Residential, which allows the requested zoning district.

Mr. Watkins further stated that the surrounding area has the Low Density Residential Future Land Use designation and is assigned the A-1, R-1AA, R-1AAA, and R-1AAAA zoning classifications. The predominate zoning classification in the area is the R-1AAAA zoning district. Directly to the west of the subject property is the Autumn Glen Subdivision which is approved at 3.37 dwelling units per buildable acre with a minimum lot size of 5,775 square feet.

Staff conducted the lot size compatibility analysis, as required by Section 30.1380.3 of the Land Development code and Policy FLU 2.10 of the Seminole County Vision 2020: Comprehensive Plan and determined that the analysis supports the requested R-1AAAA zoning classification and therefore recommends approval of the request.

Jack Krips of 937 N. Magnolia Drive stated that he and the applicant, Ron Morris, are in agreement with Staff's findings and recommendations and would be happy to answer any questions.

Commissioner Wolf asked if this will be one dwelling or more on the subject property.

Mr. Krips advised that it will be 3 dwellings on 2.5 acres. The minimum lot size would be 23,000 to 43,000 square feet.

Donna Ryan of 4150 Gabriella Lane stated that she and her mother, Frances Glisson, own the 5 acre piece of land directly north of the subject property. They do support the rezoning request; however, their only concern would be the potential water shed from the new development and would like to see this issue addressed before the Commission approves the rezoning.

David Tegeler of 4080 Waterview Loop stated that he is a homeowner in Autumn Glen Subdivision which is directly west of the subject property. Mr. Tegeler presented a map of the area which showed the back of Autumn Glen where he resides, a large area which shows gopher tortoise burrows and the subject property. Mr. Tegeler stated that he gave Austin a petition against this project signed by most of the homeowners whose property will be most affected by this project and that he is also here representing the Autumn Glen Homeowners Association.

Mr. Tegeler pointed out on his map areas which are easements, property owned by the Autumn Glen HOA, conservation areas and retention pond. Mr. Tegeler stated that this area has been zoned agriculture for over 20 years now and feels it is important to maintain the agriculture zoning as most of their property has been taken by other subdivisions such as Talman Mews.

Mr. Tegeler further pointed out that the area behind his lot has become a wildlife sanctuary and feels that this is an important issue that should be considered when making a decision regarding this request. He stated that there have been eagles, ospreys and hawks nesting in this area in the past.

Mr. Tegeler stated that there is also a large area of trees on the west side that might be cut down and they are concerned about this as well. Mr. Tegeler further stated that, given this area has been a 10 acre "block" for over 20 years, the highest and best use is for it to remain zoned agriculture.

Commissioner Brown asked how wide the easement/buffer is between Mr. Tegeler's home and the adjacent property.

Mr. Tegeler stated that it was either 20 or 25 feet, but runs the entire perimeter of the subdivision.

Commissioner Brown asked if there is any vegetation that is the property of Autumn Glen or is that just the drainage area.

Mr. Tegeler stated that there is some, but most is on Mrs. Glisson's property or the subject property.

Commissioner Wolf asked if Mr. Tegeler's opposition was related to the gopher tortoise area or that he wants it to remain vacant land.

Mr. Tegeler stated that they don't want it to remain vacant and would not oppose one house on the subject property and are concerned about the wildlife that currently live there.

Becky Kovaleski of 4120 Gabriella Lane stated that she lives next to the subject lot. She is concerned about the tortoises and has counted 57 burrows. She would like to see all of the tortoises removed before any clearing was done. She would also like to see only one house built on this property, but if there has to be 3, she would like to see a shared driveway.

Ms. Kovaleski further stated that it would be a shame to get rid of the forest as that is where the wildlife lives and it also provides a buffer for her.

Mr. Krips stated that they want to be good neighbors in creating a high quality product. The smallest lot would be in excess of a half acre and the other two would be $\frac{3}{4}$ of an acre. He further stated that the Autumn Glen Subdivision is a high density single-family development with approximately 270 units and their lots are small.

Mr. Krips advised that they are proposing a custom type of product built on one $\frac{1}{2}$ acre lot and two $\frac{3}{4}$ acre lots and does not understand why there is opposition when the Autumn Glen lots are approximately less than $\frac{1}{4}$ acre lots. He further advised that they will meet all of the County's criteria.

Mr. Krips stated that they do not intend to destroy the tortoises in anyway. He further stated that the designation they are asking for is the least density in the code other than agricultural which was there originally.

Commissioner Brown asked what the applicant's intentions were regarding the tree line.

Mr. Krips stated that trees are an asset to any setting. They haven't done a full tree assessment. He believes that would be done by the individual owners of the proposed lots so that they can decide what type of trees they would prefer.

Commissioner Wolf asked what their intention was for the trees on the south (the entrance to the property) and the shared driveway.

Mr. Krips stated that it's not a shared driveway. It's a fee-simple ownership from Gabriella for each individual home site. The front lot would have direct access on Gabriella.

Mr. Krips stated that as far as the trees in the front of the area, it would again be up to the owner of that lot to decide what would be best for their property. He further stated that the trees that are presently on the subject property are not a "burden" as far as building on this lot, but it would be ultimately up to the owner of the property.

Commissioner Chase asked what the width of the property was.

Mr. Krips stated that it is 156 feet wide according to the survey.

Commissioner Chase asked what the width of the tree line was because she said it looks like it takes up almost half of the property.

Mr. Krips stated that it's close to half, but some of the vegetation would be considered scrub category. There are a few things that might be usable.

Commissioner Chase asked what the minimum buildable lot size is for this area.

Mr. Watkins stated that it is a minimum of 21,780 square feet for this zoning classification.

Commissioner Chase asked what would the buildable area be after the setbacks are considered.

Mr. Watkins stated that the setbacks are 25' for the front and side street, 10' for the side and 30' for the rear.

Commissioner Eismann asked how they propose to get access to the back two lots.

Mr. Krips stated that on Gabriella Lane, there would be a fee simple 20' strip to each property – each owned by the individual property owners – not shared.

Commissioner Eismann asked if, off Gabriella Lane, there would be three driveways.

Mr. Krips stated that there would be two driveways and typically the lot that fronts Gabriella, they would have a circular driveway or something like that.

Commissioner Chase asked if in the 156 feet wide, there would be at least three entrances.

Mr. Krips stated that it would be 156 feet of width, two 20' driveways, so in effect, you would have a 136 foot wide first lot.

Commissioner Eismann stated that it should be 116 feet of width with the subtraction of 20' for each driveway.

Mr. Krips corrected his statement to reflect that the first lot would have a width of 116 feet.

Commissioner Eismann asked if anyone had a sketch of the property.

Mr. Watkins put up a sketch for informational purposes only.

Commissioner Wolf asked who would make a determination regarding the tortoises.

Mr. Watkins stated that the Development Review Division would have more information on this issue.

Tony Nelson, Senior Engineer with Development Review Division, stated that they will be requiring an Endangered Species survey to be submitted by the applicant before this process can be completed.

Commissioner Brown asked if Mr. Nelson could explain what the requirements are regarding the water shed issue that was brought up by Ms. Ryan.

Mr. Nelson stated that they will be requiring stormwater management for the three homes on this site. They will be looking at all the stormwater reports to make sure there will be no run-off onto the adjacent properties.

Commissioner Brown asked if this will be addressed at the Development Review stage.

Mr. Nelson stated that it will be addressed at the Final Engineering stage.

Commissioner Chase asked if there are any buffer requirements since this will be residential flanking another residential area.

Mr. Watkins stated that there are no buffer requirements. He further stated that the Autumn Glen Subdivision is required to provide the 25 foot buffer as part of their PUD agreement.

Commissioner Brown asked if Mr. Watkins knew the density of Autumn Glen.

Mr. Watkins stated that it is 3.73 dwelling units per net buildable acre with a minimum lot size of 5,775 feet.

Commissioner Chase asked if they are allowed one unit per acre since this area is 2.48 acres and zoned A-1.

Mr. Watkins stated that is correct. Under the current zoning, the density is one unit per net buildable acre.

Commissioner Chase asked how this rezone request affects this.

Mr. Watkins stated that the rezone will increase the density and will allow for a smaller width at the building line. He further stated that instead of it being 150 feet under the A-1 zoning, it will be 100 feet under the R1-AAAA zoning.

Commissioner Chase asked if the owner, without the review of the Commission, could put more than one unit on the property as it is.

Mr. Watkins stated that they would need to request a variance to the minimum width at the building line as part of the subdivision process. It is typically something that the County does not allow.

General discussed ensued regarding how the building line is measured and the possible options for the subject property.

Commissioner Chase stated that even though the Commission is discussing three lots, there aren't any conditions placed on the owner to develop the property the way it is being presented at this time.

Mr. Watkins stated that she was correct. The owner could possibly change the plans and build 21,700 square foot lots, but if he did that, he would have to go through the subdivision process with the Development Review Division.

Commissioner Wolf stated that he felt the R-1AAAA is a natural transition for the area.

General discussion ensued regarding Commissioner Chase's concern over the numerous zoning classifications in this area.

Commissioner Wolf made a motion to recommend approval of this request.

Commissioner Day seconded the motion.

Commissioners Brown and Eismann stated that they agree this would be the best possible scenario for the area.

The motion passed 4 – 1 with Commissioner Chase voting no.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE R-1AAAA (SINGLE-FAMILY DWELLING) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Bocchicchio Property Rezone", dated January 13, 2009.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to R-1AAAA (Single-family Dwelling):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes.

ENACTED this 13th day of January 2009.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Bob Dallari
Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

Beginning at the southwest corner of the 2.48 acre tract then S 89 Degrees 23 Minutes 07 Seconds E a distance of 156.07', then N 00 Degrees 07 Minutes 12 Seconds E a distance of 704.67', then N 89 Degrees 16 Minutes 24 Seconds W a distance of 156.34', finally returning S 00 Degrees 05 Minutes 54 Seconds W a distance of 704.98'

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 13, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit "A".

FINDINGS OF FACT

Property Owner: John M. Bocchicchio
1815 Colleen Drive
Orlando, FL 32809

Project Name: Bocchicchio Property Rezone

Requested Development Approval:

Rezone from A-1 (Agriculture) to R-1AAAA (Single-family Dwelling) on approximately 2.48 acres, located on the north side of Gabriella Lane, approximately 2,600 feet west of the intersection of Tuskawilla Road and Gabriella Lane.

The Board of County Commissioners has determined that the request for rezone from A-1 (Agriculture) to R-1AAAA (Single-family Dwelling) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Bocchicchio Property Rezone" and all evidence submitted at the public hearing on January 13, 2009, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested development approval should be denied.

ORDER

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

The aforementioned application for development approval is DENIED.
Done and Ordered on the date first written above.

SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS

By: _____
Bob Dallari, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

Beginning at the southwest corner of the 2.48 acre tract then S 89 Degrees 23 Minutes 07 Seconds E a distance of 156.07', then N 00 Degrees 07 Minutes 12 Seconds E a distance of 704.67', then N 89 Degrees 16 Minutes 24 Seconds W a distance of 156.34', finally returning S 00 Degrees 05 Minutes 54 Seconds W a distance of 704.98'



Seminole County Public Schools School Impact Analysis School Capacity Determination

To: Ron Morris
Seminole County Board of County Commissioners

From: Michael Rigby, AICP, Facilities Planner, Seminole County Public Schools

Date: October 24, 2008

RE: **Bocchicchio Rezone (Z2008 -39)**

Seminole County Public Schools (SCPS), in reviewing the above request, has determined that if approved, the new FULM designation and/or zoning will have the effect of increasing residential density, and as a result generate additional school age children.

Description – The project is located at the west end of Gabriella Lane, on +/- 2.48 acres in unincorporated Seminole County. The applicant is requesting a change in the zoning and seeks approval to develop a residential subdivision containing approximately 3 single family dwelling units. Parcel ID: 25-21-30-028D-0000

Based on information received from Planning and from the application for the request, SCPS staff has summarized the potential school enrollment impacts in the following table:

Type	Concurrency Service Area	Enrollment	Capacity	Students Generated by Project	Programmed 3 Year Additions	Reserved Capacity	Remaining Capacity
Elementary	E-4	2421	2594	1	0	10	162
Middle	M-3	3666	3795	0	0	15	114
High	H-3	4707	4808	0	0	10	91

Comments:

The students generated at the three CSA levels would at this point be able to be accommodated without exceeding the adopted levels of service (LOS) for each school type. The planned expansions/additions in the current five-year capital plan would provide additional student capacity to relieve the affected schools.

Review and evaluations performed on proposed future land use changes and rezones, unplatted parcels, or projects that have not received final approval do not guarantee that the developments subject to this declaration are exempt from the school concurrency requirement, which is effective as of January 1, 2008. Changes in enrollment, any newly platted developments, and any subsequent final development approvals may affect the provision of concurrent school facilities at the point of final subdivision approval, including the potential of not meeting statutory concurrency requirements based on future conditions.

Terms and Definitions:

Capacity: The amount of satisfactory permanent student stations as calculated on the date of the second DOE count in October of the current school year. The number of students that can be satisfactorily accommodated in a room at any given time and which, is typically a lesser percentage of the total number of student stations. NOTE: Capacity is **ONLY** a measure of space, not of enrollment.

Concurrency Service Area (CSA): A geographic unit promulgated by the School Board and adopted by local governments within which the level of service is measured when an application for residential development is reviewed for school concurrency purposes.

Enrollment: For the purposes of concurrency review, the enrollment level is established each year as per Public School Interlocal Agreement Section 12.4 A, which sets the level on the date of the second FTE survey for DOE, generally taken the in mid-October.

Programmed 3 Year Additions: New permanent school capacity within the CSA, which will be in place or under actual construction within the first three years of the current SCPS Capital Improvement Plan.

Remaining Capacity: The capacity available for future development after the addition of any programmed capacity and less the reserved capacity.

Reserved Capacity: The total number of student stations reserved in the respective CSA's that are assigned to projects via a SCALD certificate.

School Size: For planning purposes, each public school district must determine the maximum size of future elementary, middle and high schools. Existing school size is determined solely through FISH data. Seminole County Public Schools has established the sizes of future schools (with the exception of special centers and magnet schools) as follows:

- i) Elementary: 780 student stations
- ii) Middle: 1500 student stations
- iii) High: 2,800 student stations

Students Generated by Project: is determined by applying the current SCPS student generation rate (calculated by using US Census data analysis) to the number and type of units proposed. The number of units is determined using information provided by the County and/or from the applicant's request. If no actual unit count is provided the unit count is then estimated based on the maximum allowable density under the existing/proposed future land use designation.

Utilization: A State Board Rule prescribed percentage of student stations that a room (and proportionately, a school and school district) can satisfactorily accommodate at any given time. From a school/campus analysis perspective, "utilization" is determined as the percentage of school enrollment to capacity. Current DOE established K-12 utilization factors are as follows:

Elementary 100%, Middle 90%, High 95%

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

Please provide the information as requested below in accordance with Ordinance No. 07- _____:

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

Name: <u>John Bacchicchio</u>	Name: _____
Address: <u>1815 Colleen Dr, Belle Isle</u>	Address: _____
Phone #: <u>407-716-6551</u> <u>FL 32804</u>	Phone #: _____
<u>6873</u>	
Name: _____	Name: _____
Address: _____	Address: _____
Phone #: _____	Phone #: _____

(Use additional sheets for more space.)

2. For each corporate owner, list the name, address, and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns 2% or more of the stock of the corporation. Shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national or regional stock exchange.

Name of Corporation: _____	Name of Corporation: _____
Officers: _____	Officers: _____
Address: _____	Address: _____
Directors: _____	Directors: _____
Address: _____	Address: _____
Shareholders: _____	Shareholders: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust.

Name of Trust: _____	Beneficiaries: _____
Trustees: _____	Address: _____
Address: _____	

(Use additional sheets for more space.)

SEMINOLE COUNTY
APPLICATION AND AFFIDAVIT

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners.

Name of Partnership: _____	Name of Partnership: _____
Principal: _____	Principal: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name of each contract vendee, with their names and addresses, the same as required for corporations, trust, or partnerships. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of this petition.

Contract Vendee:	Contract Vendee:
Name: _____	Name: _____
Address: _____	Address: _____

(Use additional sheets for more space.)

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.

7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

10/30/08
Date

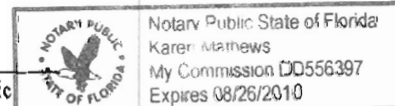
Ronald W. Munn
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 30 day of October, 2008 by _____

Karen Mathews
Signature of Notary Public

Print, Type or Stamp Name of Notary Public



Personally Known _____ OR Produced Identification ✓
Type of Identification Produced Florida's Drivers License

For Use by Planning & Development Staff	
Date: _____	Application Number: _____

PETITION

The following persons, by their signatures below, state to the Seminole County Planning and Zoning Commission that they object to the proposed land use change and/or rezoning of Parcel ID 25-21-30-300-028D-0000 owned by John M. Bocchicchio from A-1 to R1-AAAA, and request that the application be denied, as of November 5, 2008:

Schomberg

Gary Homberger, President, Autumn Glen Homeowners Association, Inc.

Charles Kovaleski, 4120 Gabriella Lane, Winter Park, Florida 32792

Rebecca Kovaleski, 4120 Gabriella Lane, Winter Park, Florida 32792

Frances Glisson, 4150 Gabriella lane, Winter Park, Florida 32792

Donna Ryan, 4150 Gabriella Lane, Winter Park, Florida 32792

Eric Twachtman, 4032 Waterview Loop, Winter Park, Florida 32792

Barbara Twachtman 4032 Waterview Loop, Winter Park, Florida 32792

Enrique Piloza, 4040 Waterview Loop, Winter Park, Florida 32792

Liliana Piloza, 4040 Waterview Loop, Winter Park, Florida 32792

Samuel Copeland, 4048 Waterview Loop, Winter Park, Florida 32792

Carolyn Copeland 4048 Waterview Loop, Winter Park, Florida 32792

Andrew Blaszkiewicz, 4056 Waterview Loop, Winter Park, FL 32792

Lillian Blaszkiewicz, 4056 Waterview Loop, Winter Park, FL 32792

Najwa Daher, 4064 Waterview Loop, Winter Park, Florida 32792

Joseph Mohay, 4072 Waterview Loop, Winter Park, Florida 32792

Olga Mohay, 4072 Waterview Loop, Winter Park, Florida 32792

David Tegeler, 4080 Waterview Loop, Winter Park, Florida 32792

Molly Tegeler, 4080 Waterview Loop, Winter Park, Florida 32792

George Spies, 4088 Waterview Loop, Winter Park, Florida 32792

Patricia Spies, 4088 Waterview Loop, Winter Park, Florida 32792

Leonidas Gaertner, 4096 Waterview Loop, Winter Park, Florida 32792

Patricia Gaertner, 4096 Waterview Loop, Winter Park, Florida 32792

Joseph Chapola, 4104 Waterview Loop, Winter Park, Florida 32792

Deborah Chapola, 4104 Waterview Loop, Winter Park, Florida 32792

Rosemary Manak, 4112 Waterview Loop, Winter Park, Florida 32792

Thomas Costello, 4120 Waterview Loop, Winter Park, Florida 32792

Kathleen Costello, 4120 Waterview Loop, Winter Park, Florida 32792

Wayne Smith, 2064 Shadyhill Terrace, Winter Park, Florida 32792

Lorraine Smith 2064 Shadyhill Terrace, Winter Park, Florida 32792

Charles Hall, 2056 Shadyhill Terrace, Winter Park, Florida 32792

Deborah Santos, 2056 Shadyhill Terrace, Winter Park, Florida 32792

Terry Grove, 2048 Shadyhill Terrace, Winter Park, Florida 32792

Carol Grove, 2048 Shadyhill Terrace, Winter Park, Florida 32792

Gerald Sweeney, 2040 Shadyhill Terrace, Winter Park, Florida 32792

Luann Sweeney, 2040 Shadyhill Terrace, Winter Park, Florida 32792

Collette Austin, 2032 Shadyhill Terrace, Winter Park, Florida 32792

Vincent Manak, 4112 Waterview Loop, Winter Park, FL 32792

Timothy Bosse, 2000 Shadyhill Terr, Winter Park, FL 32792

PETITION

The following persons, by their signatures below, state to the Seminole County Planning and Zoning Commission that they object to the proposed land use change and/or rezoning of Parcel ID 25-21-30-300-028D-0000 owned by John M. Bocchicchio from A-1 to R1-AAAA, and request that the application be denied, as of November 5, 2008:

11/4/08 Charles Kovalski
11/4/08 Rebecca S. Kovalski

Gary Homberger, President, Autumn Glen Homeowners Association, Inc.
Charles Kovalski, 4120 Gabriella Lane, Winter Park, Florida 32792
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